

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:90CR85-5**

UNITED STATES OF AMERICA,)
)
)
Vs.)
)
DARYL PERNELL CAMPS,)
)
)
Defendant.)
)

ORDER

THIS MATTER is before the court on defendant's Reply (#89) to the government's Response (#85) to defendant's motions to reduce sentence in regards to a crack cocaine offense. (See #66 & #67). The government filed its response on August 7, 2012, and the court entered its Order (#87) denying such motions on August 16, 2012. Defendant filed his reply on August 20, 2012, which the court will deem timely *nunc pro tunc*.

Although the Reply was filed after the Order was entered, the court has fully considered defendant's arguments in his Reply and in doing so has reconsidered the Order in light of the arguments presented in the Reply. In "Issue #1," defendant challenges the government's contention that under Amendment 750, petitioner's advisory guidelines range would not change because the drug amount exceeds 8.4 kilograms. Defendant does not, however, provide the court with any legally cognizable reason why such conclusion is incorrect or why Amendment 750 would result in a sentence reduction in his case. See Reply, at 1-3. Indeed, the relevant revised guideline calculations based on Amendment 750 provide for an advisory guideline range for imprisonment of life, which is the same sentence defendant originally received. Further, as the court decided the motions based on the drug quantity under Amendment 750, and not based on defendant's discipline record, the second

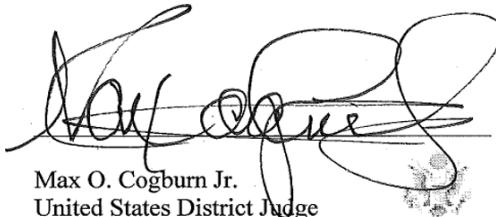
issue defendant raises is not relevant.

Having carefully considered the Reply and reconsidered the earlier Order, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that having reconsidered the court's Order (#87) in light of defendant's Reply (#89), the court reaffirms the earlier Order (#87).

Signed: August 27, 2012



The image shows a handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". Below the signature, there is a small, faint, circular official seal or stamp.

Max O. Cogburn Jr.
United States District Judge